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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,159	09/21/2006	Larry R. Krepski	C1271.70044US02	5116
23628 7590 05/10/2010 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
DESAL, RITA J				
ART UNIT		PAPER NUMBER		
1625				
MAIL DATE		DELIVERY MODE		
05/10/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,159

Applicant(s)

KREPSKI ET AL.

Examiner

Rita J. Desai

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4, 5, 12, 14, 16, 20, 22, 26-28, 31, 33-36 and 45-70 is/are pending in the application.
- 4a) Of the above claim(s) 20, 22, 34-36, 59-63 and 66-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 5, 12, 14, 16, 26-28, 31, 33, 45-58, 64, 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-646)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 2, 4, 5, 12, 14, 16, 26-28, 31, 33, 45-58, 64, 65, are pending. And are under examination.

Claims 20, 22, 34-36, 59-63 and 66-70 are withdrawn.

Claims 1, 3, 6-11, 13, 15, 17-25, 29-30, 32, 37-44, 59-63, 66-67, and 70 are cancelled.

Claims 34-36 are drawn to a method of treating and inducing and were withdrawn at this time.

The rejection under 35 USC 112 has been withdrawn. Applicants have amended the claims to delete the various groups, however the R4 definition still remains. Since R2 has been amended there is a lack of antecedent basis for R4.

A new 112, 2nd is made and given below. .

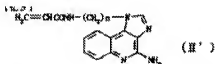
The rejection of the claims under 35 USC 103 over JP 11(1999)-222432 in view of Wermuth et al Bioisosteres has been withdrawn as applicants arguments are convincing.

The 103 rejection over Nanba et al JP 09208584 still stands. The reference discloses the R1 and R1' substituents encompassed by the applicants generic disclosure.

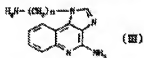
Applicants argue that the compounds have 2 differences. The reverse amide and the substituents R1 and R1'. All the compounds made have R1 and R1' to be H, alkyl or a unsubstituted phenyl.

Yet the claim is drawn to a variety of R1 and R1' groups such as heterocycles which are further substituted by further groups.

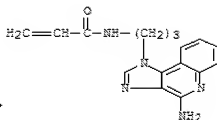
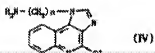
Nanba does disclose compounds wherein R1 and R1' would be a H or alkynyl.



式III'中、nは2から12の整数を示す。
 【請求項5】下記式III'で示される合成中間体。
 【化4】

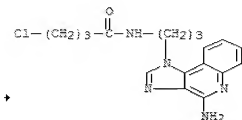


式III中、nは2から12の整数を示す。
 【請求項6】下記式IVで示される合成中間体。
 【化5】



See compounds II' above.

Also see



Wherein R1 or R1' is a alkyl substituted by a halogen.

The only difference is that it is a reverse amide.

The ODP rejections also still stand. Applicants have not commented, traversed nor have they provided a TD over US 11/595,895; 11/883,665; and 11/595,049 application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4, 5, 12, 14, 16, 26-28, 31, 33, 45-58, 64, 65 recites the limitation "R4" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

Applicants have amended the claims and there is no antecedent basis for the R4 group.

Cancellation of the term is recommended.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Rita J. Desai/
Primary Examiner, Art Unit 1625

May 4, 2010.